

LICENSING HEARING

Minutes of the meeting held on 3 June 2019 commencing at 10.30 am

Present: Cllrs. Abraham, Clack and Pett

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| Alex Lepingwell Chris Beale | Neverworld Event Manager Neverworld Noise Consultant |
| Sandra Wadsworth Jacqueline Kelly | Resident Resident |
| Cllr Dickins Cllr Coleman Cllr Carroll | Councillor Councillor Councillor |
| Nick Chapman | Assistant Environmental Health Manager (SDC) |
| David Lagzdins Michael Moss Charlotte Sinclair | Legal Advisor (SDC) Licensing Officer (SDC) Democratic Services Officer (SDC) |

1. Appointment of Chairman

Resolved: That Cllr. Clack be appointed Chairman of the meeting.

(Councillor Clack in the Chair)

2. Declarations of interest

No additional declarations of interest were made.

3. Report to Licensing Sub-Committee following receipt of representations in relation to an application for New Premises Licence Made Under The Licensing Act 2003 For Neverworld (Wilderness Farm, Wilderness Lane, Hever, Kent TN8 7LP (19/00902/LAPRE).

The Chairman welcomed everyone to the meeting and advised that the Applicant was delayed and therefore adjourned the Hearing until 11am.

Meeting adjourned 10.31am

Meeting reconvened 11.05am

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The Chairman advised that the Applicant was still delayed but was happy for the Hearing to commence without him, due to the Neverworld Noise Consultant being present. He advised that until the Applicant was in attendance the focus would be on noise.

The Hearing heard from the Noise Consultant who advised that lessons had been learnt from the previous year and a good relationship had been built with Environmental Health to adjust levels and put controls in place to mitigate noise. He advised that discussions had taken place between the Environmental Health Officer and himself prior to the Hearing and they had agreed to a closing hour of 23:00 on the Thursday and to reduce the daytime LAeq measurements to 55dBA rather than the 65dBA. It was requested that after the hours of 23:00, LAeq were at 45dBA rather than last year's 35dBA as it resulted in difficulties to operate at such a level. Last year weather conditions meant that the ambient noise levels and sound travelled more, making it difficult to remain within the agreed conditions. Background noise of aircraft also made it difficult to identify the source of any noise. A shut down time of 02:00 on Friday and Saturday would be applied and any music after 02:00 would be incidental background music.

The Hearing was advised that there had been an incident at the event last year on the Saturday night when the music at the festival was shut down due to conditions on the licence not being met as the noise was above the agreed levels. This shut down was proactively carried out by event staff.

The Environmental Health Officer addressed the Hearing and informed that additional enhancements would be put in place, including communication and radio coverage to all monitoring points. Additional monitoring equipment would be placed at the north of the site. Concession stands would have their output power limited and control would remain with the Noise Consultant to stop the noise if it increased.

The Licensing Officer [tabled](#) additional comments received from a resident following the supplementary agenda that was published and summarised additional comments received. The Noise Consultant advised that the propagation modelling was a guide and so standard conditions were assumed. Additional monitoring and improved internet connections for reliability of communications would be in place and telephone numbers would be circulated when available.

A local resident objecting to the application raised concern that the changes to the event plans and previous promises were not being met and that the bass from the music was detrimental to the residents and the biodiversity of the site. Another local resident also expressed her concerns for the biodiversity of the site, the community and the impact on her health from the noise of the bass.

In response to Members' questions the Noise consultant confirmed that the noise limitations included low frequency levels.

The Environmental Health Officer further advised that 45dBA was not classed as a statutory nuisance. He was in agreement that 35dBA was not an easy level to maintain and advised the importance of an end time. Abatement notices could be

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used if needed, however the phased shut down of music at the festival did work well last year and he was confident this could happen again if required.

The Chairman advised the Hearing that the Applicant had arrived and would therefore provide a short adjournment.

Meeting adjourned 12:15pm
Meeting reconvened 12:34pm

The Chairman welcomed everyone back to the meeting.

The Hearing gave consideration to the report by the Licensing Officer giving details of an application for a new time limited premise licence under the Licensing Act 2003. He provided a brief overview of the application and gave details of the licensable activities proposed, clarified the non-licensable activities and summarised how the Event Safety Management Plan detailed how steps would be taking to meet the licensing objectives. He advised that 4 letters of objection had been received and 1 letter in support.

The Applicant advised that the event provided economic development and cultural growth for the young people of the area. Free training at Neverworld was provided for anyone over 18 to gain their safety qualification and donations were provided to the local schools and some businesses. The applicant noted that most of the representations made were due to concerns with noise, however he believed that they had mitigated noise where possible, and reiterated that there would be no live entertainment after 23:00 on Thursday, with only background music in conjunction with refreshments.

The Applicant responded to questions from the Sub-Committee and advised that there was 24hour security on site, and feedback had been taken on to ensure that entry could only be with a ticket. There were a number of checkpoints and if someone entered without a ticket they would be removed. There were 80 SIA trained security personnel on site and there had only been one small violence issue recorded previously. The alcohol licence requested was until 03:00 rather than 06:00 as was the case last year. The Police had not commented on the application and a memorandum of understanding was being undertaken.

It was hoped that more attendees would use the shuttle bus provided from the train station and it was confirmed there would be a person to guide the public to the bus. The car park was also closer to the road and lessons had been learnt from last year's event to improve signage. The Applicant addressed the concern raised of litter, and confirmed that the new company employed to deal with the clear up would not be allowed to leave the site without a full sign off from him.

The Chairman of the Hearing adjourned the meeting for lunch.

Meeting adjourned 13.15pm
Meeting reconvened 14.05pm

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The Chairman welcomed everyone back to the Hearing and allowed the objectors to ask questions of the Applicant. The Applicant advised that searches of people and vehicles for alcohol and drugs would take place before being able to enter the site. If restricted substances were found, they would not be allowed on site. There were also amnesty bins provided. The Hearing was advised that tickets could only be purchased online and were scanned upon entrance. The figures could be provided to the council demonstrating the number of people who had entered. Neverworld was a family orientated event and bands were provided for children 12 and under with parent contact details, an additional band was also provided for toddlers and younger, which had a lock and could not be tampered with.

At 14:40 the Hearing Panel Members withdrew to consider the issues raised, accompanied by the Council's Legal Advisor and Clerk to the Hearing for the purpose of providing advice only.

At 15:27 the Hearing Panel Members, Council's Legal Advisor and Clerk to the Hearing returned to the Chamber.

The Chairman informed the Hearing that the Sub-Committee had had regard to the representations made by the Applicant and interested parties, the Licensing Objectives, the Statutory Guidance issued under Section 182 of the Act and the Council's Statement of Licensing Policy and was therefore granting the application subject to additional conditions, where appropriate, to address potential undermining of the licensing objectives.

Resolved: That a Time Limited Premises Licence in respect of Neverworld, Wilderness Farm, Wilderness Lane, Hever, Kent TN8 7LP subject to mandatory conditions and additional conditions contained in the notice of determination attached as an appendix to these minutes, be granted.

THE MEETING WAS CONCLUDED AT 3.37 PM

CHAIRMAN